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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 193 OF 2007

Bhaskar Pardhi . . . Applicants

Vs.

The State of Maharashtra . . . Respondent

Mr.K. S. Patil, Advocate for the applicant.

Mr. Y.S. Shinde, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : FEBRUARY 9, 2007.

P.C.

. Heard Mr. K. S. Patil, the learned counsel for the applicant and Mr. Y. S. Shinde, learned APP for the State.

Perused the papers.

2. The applicant seeks bail in Crime No. 81 of 2006 registered with Karjat Police Station, for the offences punishable under S. 302, 376, 201 read with S. 34 of I.P.Code.

3. Prosecution case is that, deceased Heera was widow, having 3 children and she used to live at the house of uncle-in-law

and used to eke out her livelihood by doing labour work. She also used to go to Kamshet & Lonawala forest to collect woods. On 25-6-2006 at 9 a.m. she left her house and went to Lonawala for cllecting & selling wood, but she did not come back. Some search was made but invain. As she had gone alongwith one Sitabai, police interrogated her. Initially, Sitabai was reluctant to give the information about her. However, lateron she disclosed that she herself and the present applicant Bhaskar had some love affairs and said Hirabai had seen them in some objectionable circumstances. Due to fear that she could tell the others, they had killed her. Lateron, it was further revealed that the present applicant, Sitabai and 2 more persons were involved in commission of the crime. The present applicant and 2 others had committed rape on Hirabai and killed her. After the arrest of accused persons, on the basis of information given by the present accused, dead body of Hirabai was recovered in the forest. It was hidden under stones in the forest. Post mortem report reveals that the dead body was

tightly de-composed as it was found almost one month after the death. As per the P.M. report, there was evidence of fracture of skill and that appears to be the cause of death. The whole case is based on circumstantial evidence and the important circumstance against present applicant is that the dead body was found hidden or burried under stones in the forest.

4. Taking into consideration the circumstances noted above, I find that it is not a fit case for grant of bail, particularly when the charge sheet is already filed and the learned Ad-hoc Additional Sessions Judge observed that the trial shall be expediated.

5. For the aforesaid reasons, application stands rejected. However, trial Court shall expediate the hearing and dispose of the case, as far as possible within next two months. Application stands disposed off.

Sd/-
[J. H. BHATIA, J.]